



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/110,604
Applicants : Mohamed K. Diab et al.
Filed : July 7, 1998
TC/A.U. : 3736
Examiner : Eric F. Winakur

Title : SIGNAL PROCESSING
APPARATUS

Docket No. : MASIMO.007C3
Customer No. : 20,995

Certificate Of Mailing

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, on

June 15, 2005

(Date)

John M. Grover, Reg. No. 42,810

MAIL STOP PETITION

Commissioner for Patents
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

PETITION TO WAIVE THE COPY REQUIREMENT UNDER 37 C.F.R. §1.183

Sir:

The Applicants submit herewith an Information Disclosure Statement and accompanying PTO/SB/08 equivalent listing 256 references. The references are being submitted in accordance with M.P.E.P. § 2001.06(c) providing that the Applicants identify the existence of litigation and other information arising from litigation. In the present case, the references (listed on the present PTO/SB/08) correspond to litigation in one or more parent patents or patent families and the non U.S. patent references fill roughly five (5) document boxes. Physical copies of these references have been filed with an identical Information Disclosure Statement in copending application Serial Number 10/779,033, filed February 13, 2004, titled "*Signal Processing Apparatus*," Attorney Docket No. MASIMO.007C4. The Applicants understand that the physical copies in the '033 application have been scanned and electronically associated with the '033 application in accordance with Patent Office paperless technologies. In addition to the '033 application, the Applicants are filing the attached Information Disclosure Statement in the following applications, each of which is owned by the present

Application No. : 09/110,604
Litigation IDS

Assignee, and each of which claims a priority benefit under 35 U.S.C. § 120 to one or more of the litigated patents:

1. U.S. Pat. App. Ser. No. **09/111,604**, Atty. Dock. No. MASIMO.007C3
2. U.S. Pat. App. Ser. No. **10/839,309**, Atty. Dock. No. MASIMO.1FW1C6
3. U.S. Pat. App. Ser. No. **09/110,542**, Atty. Dock. No. MASIMO.7CP1C3
4. U.S. Pat. App. Ser. No. **09/144,897**, Atty. Dock. No. MASIMO.7CP1C4
5. U.S. Pat. App. Ser. No. **09/195,791**, Atty. Dock. No. MASIMO.7CP1C5
6. U.S. Pat. App. Ser. No. **10/838,814**, Atty. Dock. No. MASIMO.7CP1C9D1
7. U.S. Pat. App. Ser. No. **10/838,593**, Atty. Dock. No. MASIMO.7CP1C9C1
8. U.S. Pat. App. Ser. No. **10/667,050**, Atty. Dock. No. MASIMO.7CP1C10
9. U.S. Pat. App. Ser. No. **10/676,534**, Atty. Dock. No. MASIMO.7CP1C11
10. U.S. Pat. App. Ser. No. **11/003,321**, Atty. Dock. No. MASIMO.7CP1C12
11. U.S. Pat. App. Ser. No. **11/070,081**, Atty. Dock. No. MASIMO.7CP1C13

Because the extraordinary burden of providing twelve (12) copies of the same five (5) boxes of documents (11 and the 1 in the '033 application), the Applicants hereby petition under 37 C.F.R. § 1.183 to waive the copy requirement of 37 C.F.R. § 1.98, and to have the electronic versions of the references already available to the Patent Office in the '033 application, associated with the present application.

The Applicants also note that the present petition is being filed in cooperation with and on the advice of Mr. Michael L. Lewis, Legal Advisor in the Office of Patent Legal Administration of the U.S. Patent & Trademark Office. At his direction, a courtesy copy of this petition is being forwarded to his office.

Please feel free to contact the undersigned at (949) 721-2946 or at the number listed below if you have any questions regarding this Petition.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 15, 2005

By: 

John M. Grover
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cc: Mr. Michael L. Lewis, Office of Patent Legal Administration

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